IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

WP(C).No. 36472 of 2003(P)

PETITIONER:

---

1. M.C.JACOB,
   MANNUSSERIL,(HOTEL SIBI), GANDHI NAGAR P.O.,
   KOTTAYAM.

2. P.K.KRISHNA PILLAI,
   SANTHOSH BHAVAN, (HOTEL GEETHA),
   GANDHI NAGAR P.O., KOTTAYAM.

3. P.H.MOHAMMED HANIFA,
   VAMANAPURAM HOUSE, (HOTEL SIMLA),
   MUDIYOOR KARA, GANDHI NAGAR P.O., KOTTAYAM.

4. A.R.KARUNAKARAN,
   PLATHOTTATHIL (HOTEL KARUNA), KARIMATTUM,
   GANDHI NAGAR P.O., KOTTAYAM.

BY ADV. SRI.M.K.DAMODARAN
SRI.P.K.VIJAYAMOHANAN

RESPONDENTS:

---

1. THE KUMARANALLOOR GRAMA PANCHAYAT,
   REPRESENTED BY ITS SECRETARY, KUMARANALLOOR P.O.,
   KOTTAYAM.

2. THE SECRETARY,
   KUMARANALLOOR GRAMA PANCHAYAT,
   KUMARANALLOOR P.O., KOTTAYAM.

BY ADV. SRI.MATHEW PHILIP EDAPPALLIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE JUDGMENT DATED 18-9-1982 IN O.S.NO.274/1979 IN THE SUB COURT, KOTTAYAM

EXT.P2. TRUE COPY OF THE NOTICE NO.A3-494/2003 DATED 10-10-2003 ISSUED O THE 1ST PETITIONER.

EXT.P3. TRUE COPY OF THE NOTICE NO.A3-494/2003 DATED 10-10-2003 ISSUED TO THE 2ND PETITIONER.

EXT.P4. TRUE COPY OF THE NOTICE NO.A3-494/2003 DATED 10-10-2003 ISSUED TO THE 3RD PETITIONER.

EXT.P5. TRUE COPY OF THE NOTICE NO.A3-494/2003 DATED 10-10-2003 ISSUED TO THE 4TH PETITIONER.

EXT.P6. TRUE COPY OF THE EXPLANATION DATED 5-11-2003 FILED BY THE 2ND PETITIONER.

RESPONDENTS 'EXHIBITS

EXT.R1(a). TRUE COPY OF THE FAX MESSAGE NO.49711/C3/01 DATED 9-1-2003 SIGNED BY THE JOINT SECRETARY.

EXT.R1(b) TRUE COPY OF THE PETITION OF THE PAURASEVASAMITI DATED 25-2-1993

EXT.R3(c) TRUE COPY OF PRELIMINARY REPORT OF THE MUMARANELLOOR GRAMA PANCHAYAT

EXT.R3(d) TRUE COPY OF THE REPORT SIGNED BY ABDUL KALAM T.M., ASST. ENVIRONMENTAL ENGINEER, POLLUTION CONTROL BOARD.

EXT.R1(e). TRUE COPY OF THE COMPLAINT DT. 27-7-2003 OF THE GANDHINAGAR DEVELOPMENT COMMITTEE

EXT.R1(f) TRUE COPY OF THE COMPLAINT DT. 7-8-2003 SIGNED BY T.M.CHERIAN.

/ TRUE COPY /

KURIAN JOSEPH, J.

W.P(C)No.36472 of 2003

Dated this the 17th day of January, 2007

JUDGMENT

The writ petition is filed with the following prayer:-

> (i) to issue a writ of certiorari quashing Exts.P2 to P5 since the notice is without authority, jurisdiction and against Ext.P1 judgment and the provisions under the Panchayat Raj Act, the Travancore-Cochin Public Health Act and the Constitution of India.

It is submitted that the petitioners have approached the second respondent submitting that they are prepared to co-operate with the steps taken by the Panchayat. Learned counsel appearing for the Panchayat submits that if the petitioners co-operate with the authorities the disposal of waste will not be a problem to the first respondent. The writ petition is disposed of as follows. The respondents will issue notice to the petitioners in case there is still any non-co-operation on the part of the petitioners and in view of the submission that they are prepared to co-operate with the Panchayat, appropriate action can be taken by the Panchayat.

(KURIAN JOSEPH, JUDGE)

ahg.